



OREGON STATE FIRE MARSHAL

ENVIRONMENTAL JUSTICE COUNCIL ANNUAL REPORT



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AGENCY INTRODUCTION

MISSION STATEMENT

The mission of the Oregon State Fire Marshal is to protect people, property, and the environment from fire and hazardous materials.



AGENCY INTRODUCTION

LEADERSHIP

Mariana Ruiz-Temple

State Fire Marshal

Claire McGrew

Chief Deputy State Fire Marshal

Travis Medema

Chief Deputy State Fire Marshal

ADVISORY GROUPS

The Oregon State Fire Marshal does not have a board of directors, however, the agency engages with numerous issue-specific advisory groups.

ENVIRONMENTAL JUSTICE PERSONNEL

Environmental Justice Council Staff Liaison:

Erik Rau

Strategic Planner & Tribal Liaison

AGENCY INTRODUCTION

BUDGET & REVENUE

The OSFM has historically received money for specific programs from dedicated, industry-specific sources including Community Right to Know facility reporting fees, fire insurance premium taxes, and petroleum load fees. With the transition to a state agency, many new programs are funded by the general fund. Given the recency of this move, changes to the agency budget and revenue sources will likely occur in future biennia.

In the 2023-2025 biennium, the agency received \$85 million in general funds, \$36 million in other funds, and \$600,000 in federal funds. The majority of general funds are used to pay local agencies for their personnel and equipment used in response to conflagrations, pre-positioning, and other large fire activity across the state. The OSFM has 157 positions across six divisions, a headquarters in Salem, and staff in many different programs living and working across Oregon.



OREGON STATE FIRE MARSHAL **AGENCY PROGRAMS**

COMMUNITY RIGHT TO KNOW

The Oregon Community Right to Know and Protection Act (ORS 453.307 to ORS 453.520) requires employers in Oregon that possess certain quantities of hazardous substances to submit an annual report to the OSFM's Community Right to Know (CR2K) program. This reporting includes where substances are stored and a description of any associated hazards.

The basis of the CR2K program gives people the "right to know" about hazardous substances in their community by meeting the three tenets below:

- **Accountability:** creating opportunities for meaningful involvement of potentially affected communities. The OSFM strives for transparency and public participation to increase trust and support.
- **Transparency:** meaningful involvement requires increased awareness of agency actions and source information, which decreases the likelihood of mistakes, arbitrary or capricious decisions, and abuse of power.
- **Health-oriented:** ensuring full disclosure of potential health risks and providing technical assistance to environmental justice communities will help build understanding by agencies of health-based considerations, especially those grounded in cultural differences that may otherwise be overlooked.

This law requires emergency responders to report to the OSFM incidents involving the release, or threatened release, of hazardous substances. A hazardous substance is defined as a substance that the Oregon Occupational Safety and Health Administration (OR OSHA) requires the manufacturer to develop a safety data sheet. The CR2K program tracks and maintains these records. Information is provided to emergency planners, first responders, health professionals, and the public to protect Oregonians, their property, and the environment from the risks associated with these substances. Facility hazardous substance storage information is available 24 hours a day through the online portal for the [CHS Manager software](#).

OREGON STATE FIRE MARSHAL **AGENCY PROGRAMS**

STATE EMERGENCY RESPONSE COMMISSION & LOCAL EMERGENCY PLANNING COMMITTEES

The federal Emergency Planning and Community Right to Know Act ([EPCRA](#)) created a provision for states to establish state emergency response commissions ([SERCs](#)) and local emergency planning committees ([LEPCs](#)).

These groups increase the public's knowledge of and access to facilities' chemical information. They provide an organizational structure for government and communities to work with facilities to improve chemical release preparedness to help protect the public, the environment, and emergency responders.

Oregon Administrative Rule [837-095](#) established the State Emergency Response Commission executive committee, designated emergency planning districts, and [local emergency planning committees](#). The rule also [identifies the state fire marshal as the SERC](#). The executive committee was established to provide input and recommendations to the State Emergency Response Commission on activities related to Emergency Planning and Community Right to Know Act.



STATE EMERGENCY RESPONSE COMMISSION & LOCAL EMERGENCY PLANNING COMMITTEES

The State Emergency Response Commission executive committee meets approximately three times a year. Membership is comprised of representation from the following agencies and stakeholder groups:

- Oregon State Fire Marshal
- Oregon Department of Transportation
- Office of Oregon Governor
- Oregon Department of Environmental Quality
- Oregon Emergency Management Association
- Industry Stakeholders
- Regional Hazardous Material Response Teams
- Oregon's Nine Federally Recognized Tribes
- U.S. Coast Guard District 17/FEMA Region X
- Oregon Department of Emergency Management
- Oregon State Police
- Oregon Health Authority
- Local Emergency Management
- Local Emergency Planning Committees (LEPC)
- Oregon Fire Chief's Association
- Oregon Sheriffs Association
- Association of Oregon Counties
- Federal On-Scene Coordinator
- U.S. Environmental Protection Agency Region 10 Oregon Operations Office
- U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration Community Liaison, Office of Hazmat Safety - Western Region

REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAMS (RHMERT)

The OSFM administers Oregon's Regional Hazardous Materials Emergency Response Teams ([RHMERT](#)). Regional teams respond to hazardous materials emergency incidents that exceed the resources of local jurisdictions. The 13 teams across Oregon are made up of specially trained staff from local agencies with response areas that cover the entire state. When dispatched or requested, they operate as a technical resource for local incident commanders. The teams train local responders and industry personnel to ensure they are prepared to respond to hazardous materials incidents, making communities safer.

OREGON STATE FIRE MARSHAL ENVIRONMENTAL JUSTICE ISSUES

ENVIRONMENTAL JUSTICE CONSIDERATION PROCESS

Does the agency have a defined process for incorporating environmental justice factors into agency operations and decision-making?

- Several of the OSFM programs listed in this report were explicitly created to incorporate environmental justice into operations and decision-making.
- The legislative findings that accompanied the creation of the Community Right to Know program in Oregon—ORS 453.312—describe the purpose of those laws as follows: *“Information on the use of hazardous substances in this state should be made readily available to members of the public, allowing them to take measures to protect themselves against dangers posed to health and safety.”* This legislation passed in 1985, when terminology for environmental justice factors was not in wide use; nonetheless, this legislative finding speaks to the same concerns and remedies described in contemporary environmental justice discussions.
- *“The EPCRA program was created to protect all communities from potential chemical accidents. In communities nationwide, consequences from potential chemical accidents disproportionately affect vulnerable and disadvantaged people living adjacent to the fence-line of these facilities”* (National LEPC-TEPC Handbook, U.S. Environmental Protection Agency, 2022). The OSFM State Emergency Response Commission and Local Emergency Planning Committee programs address these factors by supporting local efforts to expand access to information, enhance resources for planning, and conduct tests and exercises that reach a wider audience.
- The establishment of a statewide hazardous material emergency response system stems from the same body of law that created the Community Right to Know program (ORS 453). One of the legislative findings in that chapter of statutes describes the purpose as follows: *“Emergency service personnel must know what types and amounts of hazardous substances are present within this state and where they are located in order to properly protect human life and property.”* The drive toward better knowledge for responders at a statewide level reflects the value of providing equal capabilities for all communities, including those that would not otherwise be able to muster it.

ENVIRONMENTAL JUSTICE COMMUNITY CONSIDERATIONS

How does your agency define environmental justice communities?

- The OSFM uses the definitions of environmental justice communities set out in ORS 182.535 Section 10.4.

What tools does your agency use to identify and prioritize environmental justice communities?

- Because of emphasis from legislation that defines these programs, the OSFM primarily uses tools that address the nature of the program data. Instead of comparing communities to see which is the most vulnerable to chemical hazards, program staff are able to look at the number of facilities reporting particular hazards using CHS Manager software and engage based on that analysis. Programs led by local agencies, like local emergency planning committees, are able to identify communities with any tools they find useful and can request support from the OSFM in doing so.



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PUBLIC PARTICIPATION AND MEANINGFUL INVOLVEMENT

ENVIRONMENTAL JUSTICE COMMUNITY CONSIDERATIONS

ORS 182.550 Section 2: Increase public participation of individuals and communities affected by agencies' decisions.

PUBLIC ENGAGEMENT POLICY AND PROCESSES

Does your agency have public engagement processes for promoting community participation in agency decision-making processes?

The OSFM uses the following processes for public engagement for the programs described in this report, several of which are required in the statutes that define the programs.

- The CR2K program's duty is to provide the public with hazardous material information provided by Oregon facilities. Program staff accomplish this by maintaining information in the publicly available [CHS Manager software](#); staff conduct frequent and comprehensive reviews of public inquiries to add to and update the [Frequently Asked Questions page](#) and [helpdesk articles](#) based on previous questions. This software includes reports from thousands of facilities across Oregon and allows users to search geographically and identify facilities in their communities. CR2K staff conduct training on the software for local emergency planning committees and other community groups throughout the year and upon request.
- Under the federal Emergency Preparedness and Community Right to Know Act, governors were directed to create state emergency response commissions, with specified membership; state emergency response commissions were then required to "establish procedures for receiving and processing requests from the public." Oregon uses a hotline telephone number and email inbox along with the CHS Manager software described above.

- The Emergency Preparedness and Community Right to Know Act also requires state emergency response commissions to appoint local emergency planning committees, with membership that *“shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subchapter.”* Oregon has 17 active local emergency planning committees covering 18 counties. Each hold at least one public meeting per year and conduct other public engagement activities in their communities. These groups are required to be led by a local, non-state government agency, but support from the OSFM is critical to identifying, growing, and supporting the groups that arise from their communities.
- The Regional Hazardous Materials Emergency Response Teams each conduct numerous public engagement events per year, including demonstrations, participation in community events, education and training for local agencies, and drills and exercises at industry facilities. Together, these efforts reach a broad audience to communicate the need for—and capabilities of—the program itself.

Describe the current level and quality of public participation.

- The CR2K program received 2,755 messages in 2023 through email and a hotline for receiving and processing requests from the public. CR2K program staff reviewed each request and responded to them as necessary. Users of the online CHS Manager software created 2,307 [helpdesk tickets](#) in 2023 as inquiries about the system and information stored in it. Program staff reviewed each of these tickets and responded as necessary; answers to tickets that had issues likely to be useful to other users were then developed into new [Frequently Asked Questions articles](#).
- The 17 local emergency planning committees across Oregon hold regular meetings that are open to the public. Since the local emergency planning committees are led by local agencies, the content and frequency of them varies according to need, but most are monthly. Local emergency planning committees are required to conduct exercises annually, often larger efforts that engage more of the community and raise awareness of the programs. Meeting minutes and other documents are available [here](#).

TARGETED AUDIENCES

Has the agency performed a stakeholder analysis to determine the stakeholder groups impacted by agency decisions?

The OSFM works to engage participants in the state emergency response commissions, resulting in better representation for local government agencies. Many local emergency planning committees have conducted outreach to engage specific community partners.

With which stakeholders does your agency engage?

Since the OSFM's programs vary widely in their mandated function, they each have different stakeholders. For example, per the list in the description of the State Emergency Response Commission above, the OSFM coordinates efforts with related local, state, and federal agencies, facility owners and operators, and other industry partners. For programs the OSFM supports but does not directly staff, like local emergency planning committees, each group has the freedom to engage with stakeholders based on their community needs; in many cases, this includes school districts, community-based organizations, local public safety agencies, and community service organizations.

PUBLIC ENGAGEMENT POLICY

The OSFM does not presently have a public engagement policy. The agency conducts activities to engage with the public, mainly because many of their programs are required by law or involve work that naturally includes public interaction.

Each of the programs discussed in this report have different—though high—levels of public engagement. The nature of the programs makes it difficult to create a single policy that addresses them all and remaining consistent with the OSFM's other programs.



MEANINGFUL ENGAGEMENT

Many of the OSFM programs have long-established mechanisms for meaningful engagement on their subjects. One example is the Community Right to Know program, particularly the hotline inquiries and helpdesk tickets. The volume of these communication channels and the detailed work of program staff, demonstrate meaningful engagement in those areas.

What criteria triggers public participation?

Each program listed has a public engagement process by default, aligning with the department's purpose for serving the people of Oregon.

FOLLOW-UP

Does your agency follow up with participants after decisions are made?

The OSFM communicates with parties involved in decisions or program activities after they occur. This includes members of workgroups, communities affected by decisions, and partners in the decision-making process.



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AGENCY ENVIRONMENTAL JUSTICE IMPACTS

ORS 182.550 Section 3: Determine the effect of agencies' decisions on environmental justice communities.

Does your agency measure the impacts of agency decisions on environmental justice in Oregon communities? Why or why not?

- The OSFM measures impacts of agency decisions and programs on a regular basis, frequently evaluating program goals and successes. As many of these programs consist solely of environmental justice actions, the overall program impact is a good measure on environmental justice in Oregon communities.

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AGENCY ENVIRONMENTAL JUSTICE PROGRESS

ORS 182.550 Section 4: Improve plans to further improve environmental justice in Oregon;

How is environmental justice built into agency strategic plans?

- The OSFM is currently revising the agency's strategic plan to align with Governor Tina Kotek's agency priorities. During the planning, each of the programs named in this report will be included. Many have expanded environmental justice elements from additional legislation since the last OSFM strategic plan.

What does your agency need to further develop and implement environmental justice policies at the agency?

- The OSFM continues to realign and expand programs as a new state agency. As programs add staff or change focus, more training will be necessary. Working with other Environmental Justice Council staff liaisons in agencies that share similar issues will be critical to further development at the OSFM.
- The OSFM does not currently have dedicated funding for environmental justice policy work, but continues to broaden opportunities to engage in those issues. Some programs and staff have flexibility to expand their work in environmental justice, but others would require dedicated funding to do so.

- As a specific program issue, the possibility of information sharing of active community groups with Local Emergency Planning Committee program staff may enhance connections in support of local emergency planning committees that are working to reach environmental justice communities in their areas.

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MAPPING TOOL INVOLVEMENT

ORS 182.550 Section 5: USE the environmental justice mapping tool developed under section 12 of this 2022 Act.

How is your agency participating in the development of the environmental justice mapping tool?

- By responding to the survey distributed by the Environmental Justice Commission staff liaison and Department of Administrative Services Geospatial Enterprise Office coordinator. The OSFM has several data sources publicly accessible, but that may also be valuable as decision support data for the environmental justice mapping tool under development.



OREGON STATE FIRE MARSHAL **COUNCIL ENGAGEMENT 2024**

How would your agency like to engage with the Environmental Justice Council in 2024?

The OSFM welcomes questions and discussion from council members. Staff can provide information about other programs as requested. Council members may be interested in more detail about the Community Right to Know program, the State Emergency Response Commission, or the Local Emergency Planning Committee program. Giving council members a chance to hear directly from program staff in these areas may provide opportunities for further progress.

Council members may be interested to learn about work underway for two major initiatives at the OSFM related to Senate Bill 762 from 2021.

- The OSFM's Response Ready Oregon initiative was created to boost capacity and modernize wildfire response within the Oregon Fire Mutual Aid System (OFMAS). The goal of Response Ready Oregon is to attack fires while they are small and keep them away from communities.
- The OSFM's Fire Adapted Oregon initiative works to improve community resiliency to wildfire in Oregon. This team provides local coordination, grant assistance, education, and training to support the initiative. Progress toward a more fire-adapted Oregon will only be possible through strong collaboration in the development of community-based through programs that prioritize protecting vulnerable populations and communities from wildfire impacts.

Each of these programs or initiatives may be of interest to council members because of their potential impacts on and benefits to communities.

OREGON STATE FIRE MARSHAL **LEGISLATION CITATIONS**

Please share agency impacted legislation from the last legislative session where Environmental Justice Council or Environmental Justice Task Force engagement is cited in the legislation.

While the OSFM was affected by several pieces of legislation last session, none involved the Environmental Justice Task Force or Council.



This report was prepared by:

OREGON DEPARTMENT OF THE STATE FIRE MARSHAL

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